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5 Attorney for 7th Inning Stretch, LLC

6  
7 UNITED STATES BANKRUPTCY COURT  
8 EASTERN DISTRICT OF CALIFORNIA

9 In re:  
10 CITY OF STOCKTON, CALIFORNIA,  
11 Debtor.

Case No. 12-32118  
DCNo. OHS-14

**DECLARATION OF PATRICK FILIPPONE  
IN SUPPORT OF OPPOSITION TO THE  
CITY'S MOTION TO COMPEL  
PRODUCTION OF DOCUMENTS BY 7TH  
INNING STRETCH, LLC**

Date: October 28, 2013  
Time: 10:00 a.m.  
Dept: Courtroom 35

16  
17 I, Philip Rhodes, declare:

18 1. I am an attorney at law, duly admitted to practice before all the Courts of the State of  
19 California, and am attorney of record for 7<sup>th</sup> Inning Stretch, LLC in this case

20 2. The following declaration is within my personal knowledge, and that if I am called as a  
21 witness, I am and would be competent to testify to the matters stated herein.

22 3. After I received the subpoena from the City, I spoke with Marc Levinson by telephone  
23 on September 17, 2013. I expressly advised him that 7<sup>th</sup> Inning Stretch objected to producing the  
24 records requested in the subpoena. Levinson explained why he thought 7<sup>th</sup> Inning Stretch should  
25 provide them. Levinson also explained that a motion to compel production would look good  
26 politically for the City and for his firm as the City's counsel. After listening to his explanation, I  
27 advised that I did not believe the City's rationale constituted adequate justification. I invited Levinson  
28 to provide me additional legal authority or rationale for the requested production.

